

MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment
FROM: Stephen J. Mordfin, AICP, Case Manager
JL Joel Lawson, Associate Director Development Review
DATE: July 12, 2016

SUBJECT: BZA Case #19278- special exception per §§ 330, 332 and 205 to allow for a day care center in an existing row house dwelling located at 424 Irving Street, N.W.

I. BACKGROUND

At a June 14, 2016 meeting with the agent for this case and for BZA Applications 19277 and 19292, Office of Planning (OP) staff explained the procedural and substantive requirements that needed to be addressed, and the concerns OP had about each application. Additional information (Exhibit 31) about proposed child drop-off/pick-up procedures, which was due no later than July 6, 2016, was submitted on July 11, 2016. The applicant also provided OP with partial responses to the 11 DCMR § 205 criteria by which such applications are evaluated. However, this information was not in the case file as of 4:00 p.m. on July 11, 2016. To the extent permitted by the time remaining before OP’s report was due to be filed, this OP report has been updated to consider both the information in Exhibit 36 and the § 205 information provided at that time only to OP.

II. OFFICE OF PLANNING RECOMMENDATION

Due to a lack of information, the Office of Planning (“OP”) **cannot make a recommendation** of the requested special exception pursuant to:

- §330.5, Child Development Center in R-4 (up to 16 children permitted, 28 children requested with 14 staff members)
- §205 (via §332), Child Development Centers (not addressed by Applicant)

Relief may also be required from the parking requirements of § 2101.1, as noted in Section V.

III. LOCATION AND SITE DESCRIPTION

Address	424 Irving Street NW
Applicant	Orpel Tucker (Sanders) for Woodbridge Day Care Center III filed by Ian Swain of Commun-ET as agent.
Legal Description	Square 3050, Lot 138
Ward, ANC	Ward1, ANC 1A
Lot Characteristics	Rectangular lot with rear alley access



Zoning	R-4: row, one-family detached and one family semi-detached dwellings
Existing Development	Row dwelling, permitted in this zone
Adjacent Properties	Row dwellings to the east and west; an apartment building to the south.

IV. PROJECT DESCRIPTION IN BRIEF

Proposal	Due to denial of a certificate of occupancy for a daycare center, the applicant seeks to receive special exception permission to reinstate operation of a child development center for 28 children up to three years of age and 14 staff.
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V. ZONING REQUIREMENTS

The applicant has not filed complete zoning information.

R-4 Zone	Regulation	Existing	Proposed	Relief
Parking §2101	1 space per 4 employees	None	None	<i>TBD. 14 employees, but number on site at one time not known</i>

VI. OP ANALYSIS

The applicant provided information to OP on July 11, 2016 that was intended to address 11 DCMR § 205's special exception criteria for Child/Elderly Development Centers and Adult Day Treatment Facilities. This information was not in the case file at the time OP completed its report.

205 Child/Elderly Development Centers and Adult Day Treatment Facilities

205.1 Use as a child/elderly development center or adult day treatment facility shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

205.2 The center or facility shall be capable of meeting all applicable code and licensing requirements.

The applicant has not submitted information that it operates in compliance with code and licensing requirements.

205.3 The center or facility shall be located and designed to create no objectionable traffic condition and no unsafe condition for picking up and dropping off persons in attendance.

The applicant provided the District Department of Transportation (DDOT) and the case file with information about how children arrive at the facility, and how pick-up and drop-off occurs. DDOT has not responded to the proposals at the time OP completed this report.

205.4 The center or facility shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.

No off-street parking exists at the site. Four off-street parking spaces are required by the use pursuant to § 2101, but no application has been filed with the Office of Zoning (OZ) requesting this relief.

205.5 The center or facility, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual, or other objectionable conditions.

The applicant has not indicated whether there are any on-site play areas.

205.6 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.

Although the information sent by the applicant to OP on July 11, 2016 indicates that letters of support from the community have been placed in the case file and included a draft form for such a letter, such letters were not listed in IZIS as of 4:00 p.m. on July 11, 2016.

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at center or facility in traveling between the play area and the center or facility itself.

The application indicates that the Bruce-Monroe playground would be used for off-site play. A portion of this playground site is included in a PUD application (ZC 16-11) scheduled to be setdown by the Zoning Commission on July 25, 2016.

205.8 *The Board may approve more than one (1) child/elderly development center or adult day treatment facility in a square or within one thousand feet (1,000 ft.) of another child/elderly development center or adult day treatment facility only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.*

The application indicates that there are no other child development centers within 1,000 feet of the subject property.

205.9 *Before taking final action on an application for use as a child/elderly development center or adult day treatment facility, the Board shall submit the application to the D.C. Departments of Transportation and Human Services, the D.C. Office on Aging, and the D.C. Office of Planning for review and written reports.*

205.10 *The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center or facility can meet all licensing requirements set forth in the applicable laws of the District of Columbia.*

The Office of the State Superintendent of Education (OSSE) notified the applicant on January 28, 2016 of OSSE's intention to revoke the daycare operator's license as of March 14, 2016, due to the lack of a certificate of occupancy

OSSE filed a memorandum dated May 26, 2016 in support of the current BZA application (Exhibit 24).

No other agencies responded.

VII. OTHER DISTRICT AGENCY COMMENTS

The Zoning Administrator "disapproved" the daycare center's application for a certificate of occupancy on March 25, 2016 (Exhibit 3) and on May 3, 2016 (Exhibit 26).

VIII. COMMUNITY COMMENTS

ANC 1A, at its regularly scheduled meeting of June 8, 2016 voted to support the application (Exhibit 30).

No other comments were received.